

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

MASTER Asset Backed Securities Trust 2006-HE3, by U.S. BANK NATIONAL ASSOCIATION, solely in its Capacity as the Trustee pursuant to a Pooling And Servicing Agreement, dated as of August 1, 2006

Plaintiff,

v.

WMC MORTGAGE CORPORATION and  
EQUIFIRST CORPORATION,

Defendants.

Case No. 0:11-cv-02542-PAM-TNL

**DEFENDANT EQUIFIRST  
CORPORATION'S  
MOTION TO DISMISS**

TO: Plaintiff MASTR Asset Backed Securities Trust 2006-HE3, by U.S. Bank National Association, and its attorneys, Justin H. Perl, Maslon Edelman Borman & Brand, LLP, 3300 Wells Fargo Center, 90 South 7th Street, Minneapolis, MN 55402 and Marc E. Kasowitz, Michael M. Fay, Uri A. Itkin, Kasowitz Benson Torres & Friedman LLP, 1633 Broadway, New York, NY 10019; and Defendant WMC Mortgage Corporation and its attorneys Andrew M. Luger, Greene Espel, 200 South 6th Street, Suite 1200, Minneapolis, MN 55402 and Barbara S. Steiner, Matthew Thomas, Jenner & Block LLP, 353 N. Clark Street, Chicago, IL 60654.

Defendant EquiFirst Corporation, by and through its undersigned counsel, hereby moves to dismiss the Complaint pursuant to Federal Rules of Civil Procedure 8, 9(b), 12(b)(1) and 12(b)(6). This motion will be supported by Memorandum and other documents to be filed in accordance with Local Rule 7.1, and all of the files and records herein.

October 28, 2011

**ANTHONY OSTLUND BAER  
& LOUWAGIE P.A.**

By: s/Randy G. Gullickson  
Richard T. Ostlund, #144277  
Randy G. Gullickson, #185607  
3600 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Telephone: 612-349-6969  
Facsimile: 612-349-6996  
Email: [rostlund@aoblaw.com](mailto:rostlund@aoblaw.com)  
Email: [rgullickson@aoblaw.com](mailto:rgullickson@aoblaw.com)

**ARNOLD & PORTER LLP**  
David B. Bergman  
*\*(admitted pro hac vice)*  
Nicholas M. DePalma  
*\*(admitted pro hac vice)*  
555 Twelfth Street, NW  
Washington, DC 20004-1206  
Telephone: 202-942-5000  
Facsimile: 202-942-5999  
Email: [David.Bergman@aporter.com](mailto:David.Bergman@aporter.com)  
Email: [Nicholas.Depalma@aporter.com](mailto:Nicholas.Depalma@aporter.com)

**ATTORNEYS FOR DEFENDANT  
EQUIFIRST CORPORATION**